

Date: May 3, 2005

To: Honorable Chairman Joe A. Martinez and Members,
Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 8(O)(1)(B)

Subject: Waiver of Formal Bid Procedures

RECOMMENDATION

It is recommended that the Board waive formal bid procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interests of the County.

BACKGROUND

Section 1 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

None

Section 2 BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interest of the County. A bid waiver is when no competition was obtained, and negotiations took place with the vendor to formulate the contract.

None

Section 3 COMPETITIVE BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interest of the County. A "competitive" bid waiver is when bids, quotes or proposals were sought from multiple vendors and competition was obtained "in fact," although not adhering to all of the standards for full and open competition prescribed by Section 2-8.1 of the County Code and Administrative Order 3-38.

Item 3.1 (Bleacher at the Crandon Tennis Center) is to purchase a bleacher-style seating system that can be assembled and disassembled to provide adequate seating for the yearly NASDAQ – 100 Open Tennis Tournament.

Section 4 EMERGENCY PURCHASES

An emergency purchase under Administrative Order 3-38 is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in Administrative Order 3-38 including bid waiver. Whenever feasible, staff solicits at least three competitive quotes. As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, Item 4.1 (Window Drapery, Curtains, Blinds, Shades and Related Items, Pre-qualification of Bidders) and Item 4.3 (Janitorial Services for Various County Departments) was issued to replace a contract containing measures which can not be renewed, extended or modified.

Item 4.1 (Window Drapery, Curtains, Blinds, Shades and Related Items, Pre-qualification of Vendors) is to establish an emergency replacement contract for the purchase of window drapery, curtains, blinds, shades and other related items for various County departments.

Item 4.2 (Uniforms and Accessories) is to establish an emergency contract for the purchase of uniforms and accessories for various County departments.

Item 4.3 (Emergency Bridge Repair) is to establish an emergency contract to perform repairs on the bridge located at N.W. 42nd. Avenue and 178th. Street.

Item 4.4 (Food Catering Services) is to establish an emergency transition contract to provide meals for CAA's Elderly Services Program.

Item 4.5 (Janitorial Services for Various County Departments) is to establish an emergency replacement contract to provide janitorial services for various sites administered by Public Works, GSA, Team Metro, Human Services and Solid Waste.

Item 4.6 (Shoes and Boots) is to establish an emergency temporary bridge contract to purchase various styles of uniform shoes and boots for various County departments.

Item 4.7 (Tires and Tubes) is to establish an emergency temporary bridge contract to purchase tires and tubes for various County departments.

Section 5 NONCOMPETITIVE CONTRACT MODIFICATIONS

A noncompetitive contract modification is when the requested supplemental allocation for goods or services exceeds the scope of the original contract award and allocation representing, therefore, a waiver of the competitive bidding process under Administrative Order 3-38 for the additional goods and services.

None

Section 6 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is the ratification action that authorizes a prior unauthorized purchase under Administrative Order 3-38.

None



Alina T. Hudak
Assistant County Manager

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for all the items listed in the package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interests of the County.

SECTION # 1
SOLE SOURCES

None

SECTION # 2
NON COMPETITIVE BID WAIVERS

None

SECTION #3
COMPETITIVE BID WAIVERS

3.1

BID NUMBER:

CBW1677-PR

Title:

Bleacher at the Crandon Tennis Center

Description:

To purchase a bleacher-style seating system that can be assembled and disassembled to provide adequate seating for the yearly NASDAQ – 100 Open Tennis Tournament.

Department(s)

Allocation(s)

Park & Recreation

\$ 1,488,700.00

Term of Contract:

Upon delivery

Option(s)-to-Renew:

Not applicable

Local Preference:

Not applicable

UAP:

The contract includes the 2% User Access Fee

Living Wage:

Not applicable, no services are contemplated.

Vendor(s):

South Florida Construction Associates, Inc.

Estimated Contract Usage:

\$1,488,700.00

Justification:

Authorization is requested to waive the competitive bidding process to purchase a bleacher-style seating system that can be assembled and disassembled for the Crandon Park Tennis Center. This system will provide adequate seating for the yearly NASDAQ – 100 Open Tennis Tournament held at Crandon Park.

An Invitation to Bid (ITB) #1677-PR was approved for advertisement by the Board of County Commissioners on April 8, 2003 by Resolution #R-362-03. Three bids were received on November 19, 2003: Outdoor Aluminum, Inc., for \$851,194; Alto Seating Systems, Inc., for \$1,991,169; and, S.F.C.S., Inc., for \$2,077,000.

After an extensive and careful evaluation process by the Department of Procurement Management (DPM) and the Park & Recreation Department, the lowest bidder

(Outdoor Aluminum, Inc.) was deemed non-responsive, as stated in the County Manager's Recommendation to Award memo of August 4, 2004. (Copy attached). Therefore, the County Manager recommended that the contract be awarded to the second lowest bidder, Alto Seating Systems, Inc.

In response to the County Manager's recommendation, Outdoor Aluminum, Inc. and S.F.C.S., Inc. filed grievances on August 12th and August 18th (respectively). As is standard procedure and in an effort to reconcile the differences expressed by these two vendors, the DPM Director met with both parties. Although a consensus could not be reached with all parties, the County Manager issued a new memo, on October 13, 2004, which rescinded the previous award recommendation. Furthermore, the County Manager's memo recommended the rejection of all bids received in response to the ITB, and directed staff to conduct parallel negotiations with Alto Seating Systems, Inc. and S.F.C.S., Inc. in order to arrive at the best value recommendation.

Outdoor Aluminum, Inc. and Alto Seating Systems, Inc. filed protest letters with the Clerk of the Board in response to the County Manager's recommendation of October 13, 2004. The protest hearing was held and the Hearing Examiner's Findings and Recommendations rejected the protests filed by the vendors and sustained the County Manager's recommendation.

As directed, the County conducted parallel negotiations with Alto Seating Systems, Inc. and S.F.C.S., Inc. The resultant recommendation ensures a seating system which is the most advantageous and beneficial to the County's Crandon Park Tennis Center and represents a best value procurement.

The negotiations conducted by the Department of Procurement Management resulted in the following:

- A \$588,300.00 reduction in cost
- All seating is upgraded to chair-back from bench-style at same price
- Inclusion of the User Access Program (UAP) Fee



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

DATE: August 4, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Recommendation for
Approval to Award Bid No. 1677-PR,
Temporary Seating at the Crandon
Tennis Center Stadium

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

It is recommended that the Board of County Commissioners approve the above-captioned award as follows:

BID NO: 1677-PR

BID TITLE: Temporary Seating at the Crandon Tennis Center Stadium

DESCRIPTION: To provide and install engineered, pre-manufactured, movable and temporary stadium seating, anchor and support system for upper deck area, comprised of "closed deck" at Crandon Tennis Center Stadium on Key Biscayne, Florida

APPROVAL TO ADVERTISE: April 8, 2003

TERM: Upon completion (one-time contract)

CONTRACT AMOUNT: \$1,738,013.00

USING/MANAGING AGENCY: Parks & Recreation Department

CONTRACT MEASURES: No Measure

LIVING WAGE: Not Applicable, not a covered service.

ESTIMATED CONTRACT
COMMENCEMENT DATE: October 1, 2004

METHOD OF AWARD: To Low Bidder by Group

VENDORS RECOMMENDED
FOR AWARD: Alto Seating Systems, LLC – Items Awarded: 1 through 3

VENDORS NOT RECOMMENDED
FOR AWARD:

- South Florida Construction Services, General Contractors
Reason not recommended: Higher price than the low responsive bid.
- Outdoor Aluminum, Inc./dba Seating Solutions
Reason not recommended: Non-Responsive (see below)

REASON FOR FINDING
OF NONRESPONSIVENESS

(The bid of Outdoor Aluminum, Inc./dba Seating Solutions):

The bid submitted by Outdoor Aluminum/Seating Solutions was presented as an “equal or better” product. Under the County’s advertised “Invitation To Bid” (ITB) solicitation document there were specified criteria for the timing and content of the documentation to substantiate equal or better status in order for the submission to be considered a responsive bid. The reasons for finding the bid submitted by Outdoor Aluminum/Seating Solutions non-responsive and ineligible for award are outlined below:

Section I General Terms and Conditions:

Award of Bid Solicitation — Paragraph 1.5(A) “The Bid may be awarded to the responsible Bidder meeting all requirements as set forth in the solicitation”, (emphasis added). The bidder failed to comply with this general condition requiring the timeliness of documentation submittals as stipulated in Section 3, paragraph 3.3. “It is the responsibility of the Bidder to submit at time of bid submission, (emphasis added) all necessary information to prove equal or better.” This is important when considering an equal or better product as noted in Section I, paragraph 1.5-J of the General Terms and Conditions. “Award of this Bid may be predicated on compliance with and submittal of all required documents as stipulated in the Bid Solicitation.” A specific submittal requirement regarding equal products is found in Section 2, paragraph 2.9, of the Special Conditions. “Where an equal is bid, the Bid Proposal must be accompanied with two (2) complete sets of factory information sheets (specifications, brochures, etc.). Failure to meet this requirement may result in your bid being rejected. The County shall be the sole judge of equality and its decision shall be final in its best interest.” Appropriate backup information as required in Section 2, paragraph 2.9 was not included with the Bid Proposal. In lieu of submitting additional information, the bidder volunteered to do a product demonstration. The product demonstration did not mitigate the need for additional information regarding specifications and information sheets. The demonstration raised additional technical issues, (see further discussion below) which further substantiated that this was not a responsive bid in terms of meeting the requirements of the Bid Solicitation. The product demonstrated was not the final product that the bidder proposed to supply to the County. The bidder agreed to some concessions when noncompliance issues were pointed out on the demonstration product. Essentially, the County was being put in a position to make an evaluation that was strictly circumstantial, based on accepting a product similar to, but not the final product, without the benefit of reviewing additional documentation until after the bid award. The bidder’s failure to responsively provide the required information and to demonstrate the “the unit shall be equal in quality, standards of performance, design, etc. to the item specified” is sufficient justification for rejecting this bid.

Technical Conditions:

The Outdoor Aluminum/Seating Solutions product met some of the technical criteria. In certain critical areas, however, the demonstration product was either deficient or sufficient information was not available for evaluation.

The product offered by Outdoor Aluminum/Seating Solutions is considered unsatisfactory in the following areas:

1. Supportive Understructure — Section 3, paragraph 3.2-A The understructure frames used in the demonstration, (January 26, 2004) were unacceptable because the fixed base could not be adjusted to fit site conditions. The bidder did not take this into proper consideration. (See Section 2, paragraph 2.8, Examination of Site. "Prior to submitting its proposal it is advisable that the bidder visit the site of the proposed work and become familiar with any conditions which may in any manner affect the work to be done or affect the equipment, materials and labor required.") There were two proposed solutions by the bidder:
 - a. Custom manufacture each understructure frame to fit its specific location on the deck. This would require that each custom frame be matched to a specific location on the deck within the understructure of the system. The logistics of keeping the correct piece at the right location during repeated assembly and disassembly procedures would be daunting. This solution is rejected.
 - b. Subsequent to solution (a), the bidder proposed to use shims as leveling devices under those understructure frames requiring them. This is a different version of the same solution as (a) and does not address the problem of needing to keep track of where each piece fits in the system. This solution is rejected for essentially the same reason as (a).
2. Connection Points — The system proposed by Outdoor Aluminum/Seating Solutions would use a threaded bolt into a sleeve connection system, whereby any sleeve is replaceable should it be damaged in any way. Similarly, any faulty or damaged bolt can also be replaced. There are problems with this recommended system.
 - a. This is a custom design that to our knowledge has not been tried beyond this re-usable application. The Department is concerned about using such a critical component not previously field-tested and used in other similar applications.
 - b. The number of pieces (bolts) notwithstanding, care must be exercised by the installer(s) so that the bolts are not over-driven into the sleeves thereby exerting undue stresses and possible fractures at the critical connections of the system. The sheer number of connections (thousands) may make any claim to be able to monitor this function in assembly or disassembly moot, without the anticipation of adding an extraordinary amount of time to the installation or removal process.
 - c. Damaged bolts or sleeves are not the only potential weak spots of this type connection system. A sleeve itself could cause damage to the aluminum piece into which it is inserted. The only plausible solution to a loose, but otherwise serviceable sleeve, would be to install a larger sleeve, which may require a different bolt size, adding to the number

of different pieces.

- d. The use of this type of connection may be appropriate for installations that are permanent and therefore not subject to repeated assembly and disassembly. However, in the application as specified in the Bid Solicitation it will substantially affect the durability of the equipment and the labor required. The system used as the standard in the bid solicitation is a self-locking connector that is a part of the understructure components designed for temporary systems.

In anticipation of this issue being a concern, Outdoor Aluminum/Seating Solutions offered to use a conical connection similar to the Alto system. While this might prove to be satisfactory, it is apparently not a standard connection for this product. Given the circumstances of the application for which this product is being considered, the Department does not believe that a fit is possible.

3. Overhang — Section 3, paragraph 3.2-B — If necessary, to provide for the number of seats required, a six-foot overhang is permitted. The understructure of the proposed system (based on the documentation submitted) does not appear to be used in unsupported cantilevered applications, where the understructure is not permanently installed. At the time of the demonstration, the cantilever overhang was discussed but how this was to be incorporated and supported by the system was not included in the demonstration. The concerns in this regard cannot be overstated. Because the three top rows of seats will be cantilevered off the stadium top deck, a structurally sound and safe system is paramount. The proposed system with a cantilever is based on a permanent understructure installation. The strengths and characteristics of the supporting elements in a temporary installation, which is what the proposal requires, are unknown.
4. General — Section 3, paragraph 3.3 — The ability of the proposed product to perform as “equal or better” than the suggested standard has not been satisfactorily substantiated or demonstrated. The design changes, modifications and durability of the demonstration product (based on the literature submitted with the bid proposal), is not associated with the temporary system application requested in the proposal. The bidder failed to prove that the product meets the “equal or better” technical requirements of the Bid Solicitation.

The reasons outlined above, each one specifically and all of them combined as a whole, render the bid submitted by Outdoor Aluminum/Seating Solutions non-responsive to the requirements of the project as established in the Invitation To Bid and ineligible for award. The low responsive, responsible bidder, therefore, is Alto Seating Solutions, LLC, and this award recommendation is made accordingly.

SECTION #4
EMERGENCY PURCHASES

4.1

BID NUMBER:

EM1016-1/05

Title: Window Drapery, Curtains, Blinds, Shades and Related Items, Pre-qualification of Vendors

Description: To establish an emergency replacement contract for the purchase of window drapery, curtains, blinds, shades and other related items.

<u>Department:</u>	<u>Allocation:</u>
Aviation	\$ 25,000.00
Clerk of Courts	\$ 2,500.00
Corrections & Rehab.	\$ 7,000.00
Fire	\$ 14,000.00
GSA	\$ 12,500.00
Human Services	\$ 7,000.00
Judicial Admin.	\$ 7,500.00
Library	\$ 2,500.00
MDHA	\$ 75,000.00
MDT	\$ 2,500.00
Park & Recreation	\$ 25,000.00
Public Works	\$ 2,000.00
Seaport	\$ 2,500.00
SFETC	\$ 1,500.00
Solid Waste Mgmt.	\$ 1,500.00
WASD	<u>\$ 32,000.00</u>
	\$220,000.00

Term of Contract: Six months (November 1, 2004 through April 30, 2005)

Option(s)-to-Renew: One 6-month, option-to-renew

Local Preference: Applied in accordance with the applicable Ordinance.

UAP: The contract includes the 2% User Access Fee.

Living Wage: The services to be provided are not covered.

Vendor(s): Commercial Interior Contractors Corp.; Harbor Service Corp.; Silver Leaf Designs, LLC

Estimated Contract Usage: \$220,000.00

Justification:

Seeking ratification of an emergency award issued on November 1, 2004 to pre-qualify vendors to participate in a pool. "Spot market" quotes are sought from the pool of vendors to provide continuity of window drapery, curtains, blinds, shades and related items for various County departments.

This short-term emergency replacement contract will cover the gap between the expiration of the previous contract with measures and the award of the long term replacement contract for these goods and services.

As reported to you previously, the Goods and Services Committee was created to review existing contracts affected by the federal court ruling by Judge Adalberto Jordan with the purpose of making recommendations regarding projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. This recommendation is consistent with the action taken by the Goods and Services Committee members.

Bid announcements were sent to thirty-nine vendors. Three vendors submitted bids. As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

The long-term replacement contract, is being issued and is expected to be in place in May 2005.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to pay for all or some part of the cost of this contract for Miami-Dade Transit and Public Works only.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

Target date for new
contract to be in place:

May 1, 2005

4.2

BID NUMBER:

E1178-1/06

Title: Uniforms and Accessories

Description: To establish an emergency contract for the purchase of uniforms and accessories.

<u>Department:</u>	<u>Allocation:</u>
Aviation	\$ 20,000.00
Building Department	\$ 20,000.00
Corrections & Rehab.	\$ 7,000.00
Libraries	\$ 10,000.00
MDT	\$700,000.00
Park & Recreation	\$ 50,000.00
Public Works	\$ 6,000.00
Solid Waste Mgmt.	<u>\$ 35,000.00</u>
	\$848,000.00

Term of Contract: One year (December 1, 2004 through November 30, 2005)

Option(s)-to-Renew: One 6-month, option-to-renew

Local Preference: Applied in accordance with the applicable Ordinance.

UAP: The contract includes the 2% User Access Fee.

Living Wage: Not applicable, no services are contemplated.

Vendor(s): Superior Uniform Group, Inc.

Estimated Contract Usage: \$848,000.00

Justification: Seeking ratification of an emergency award issued on December 1, 2004 to provide uniforms and accessories.

This emergency replacement contract was issued to replace an existing contract, which expired on November 30, 2004, and could not be extended because the administrative authority to extend had been exhausted.

The term of this emergency action is for one year with a six month option-to-renew. A long-term replacement open, competitive solicitation is being issued by the Department of Procurement Management.

Staff anticipates having the replacement contract before the Board for approval in November 2005.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to pay for all or some part of the cost of this contract for Miami-Dade Transit and Public Works only.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

Target date for new
contract to be in place: December 1, 2005

4.3

BID NUMBER:

E1914-PW

Title: Emergency Bridge Repair

Description: To establish an emergency contract to perform repairs on the bridge located at N.W. 42nd Avenue and 178 Street due to its deteriorated structural condition.

Department:
Public Works

Allocation:
\$134,145.00

Term of Contract: Upon completion

Option(s)-to-Renew: None

Local Preference: Not applicable

UAP: The contract includes the 2% User Access Fee.

Living Wage: The services to be provided are not covered.

Vendor(s): Pressure Concrete, Inc.

Estimated Contract Usage: \$134,145.00

Justification: Seeking ratification of an emergency award issued on January 12, 2005 to complete emergency repairs to the bridge located at N.W. 42nd Avenue and 178th Street.

This bridge, which is the only access to a densely populated area within the County's northwest portion, was in danger of collapsing due to its deteriorated structural condition and was in need of immediate repairs.

The County, after verifying the conditions of the bridge, proceeded to close an entire traffic lane, thus reducing the width of pavement to be used by two-way traffic. Also, pedestrian use was limited to only one sidewalk, instead of the existing two. This condition needed to be immediately addressed since it increased the possibility of accidents at the bridge. The partial closure of the bridge also created major traffic delays and complaints from citizens.

The Public Works Department solicited a bid from Pressure Concrete, Inc. This vendor was identified to their previous experience performing several bridge

construction and repair jobs, excellent past performance, reasonable pricing and the ability to mobilize and complete the jobs within the agreed schedule.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to pay for all or some part of the cost of this contract for Public Works.

4.4

BID NUMBER:

E2365-0/05

Title: Food Catering Services

Description: To provide and deliver approximately 750-850 daily meals for the elderly served by the Community Action Agency (CAA).

Department:
CAA

Allocation:
\$500,000.00

Term of Contract: Three months (November 1, 2004 through January 31, 2005)

Option(s)-to-Renew: None

Local Preference: Applied in accordance with the applicable Ordinance.

UAP: Federal fund source regulations do not allow the application of the 2% User Access Fee for this CAA contract.

Living Wage: Not applicable, no services are contemplated.

Vendor(s): Construction Catering, Inc.

Estimated Contract Usage: \$500,000.00

Justification: Seeking ratification of an emergency award issued on November 1, 2004 to provide meals for CAA's Elderly Services Program.

A long-term replacement contract was awarded to the responsible, responsive low bidder in an open competitive Invitation to Bid. The contract was scheduled to commence on October 1, 2004, but final award approval was not received until September 29, 2004. Therefore, an emergency transition contract was issued with the incumbent vendor, Construction Catering, Inc. for a one-month period from October 1 through October 31, 2004.

The County had assumed, based on normal practice, that the month of October would allow sufficient time for the new vendor, IJK, to fully assume performance of services on November 1, 2005. However, IJK advised, at the end of October, that they needed until February 1, 2005 to assume

full performance of the contract services. In addition to the 30 day transition period already granted, a longer transition period was granted in order to allow the new vendor to provide the services outlined in the solicitation and submit the required insurance certificate (s) and performance bond. An alternate commencement date of January 1, 2005 for services at half of the service sites, and February 1, 2005 for full performance at all sites, was mutually agreed upon by the vendor and the County.

Examples of the specific actions to be completed were:

- Completion of site survey effort
- Permitting, procurement, and installation of supplemental kitchen equipment
- Hiring and training of supplemental personnel

A second emergency transition contract, **which is now before the Board for ratification** was awarded to the incumbent vendor for a three-month period from November 1, 2004 through January 31, 2005. When notified that IJK would be servicing half of the sites effective January 1, 2005, Construction Catering advised the county, in a letter dated December 23, 2004, of its decision to discontinue providing services effective January 1, 2005. In order to ensure continuity of food services for the elderly served by CAA, a third transition emergency contract (based on an intense market survey effort) with Jewish Community Services of South Florida was issued for a one-month period from January 3, 2005 through January 31, 2005.

IJK, the low bidder recommended for the competitive award, did not provide the required certificates of insurance and performance bond after a long transition period, various extensions, and a number of meetings and accommodations. Because the vendor was not able to provide the necessary referenced documents required in the solicitation, the County Manager rescinded the recommendation to IJK and issued a recommendation to award to the second low bidder, Construction Catering. IJK filed a bid protest on January 27, 2005. The protest took place on February 17, 2005. The Hearing Officer sustained the Manager's recommendation to award to the 2nd low bidder, Construction Catering, Inc. In order to provide continuity of meal services to the elderly served by CAA, a fourth transition emergency contract was issued, to Jewish Community Services of South Florida, for a one-month

period from February 1 through February 28, 2005.

Staff is prepared to continue to utilize the services of the current interim provider on an emergency month-to month basis until the findings and recommendation of the Hearing Officer are received.

4.5

BID NUMBER:

EM5832-1/06

Title: Janitorial Services for Various County Departments

Description: To establish an emergency replacement contract to provide janitorial services for five departments with sites located throughout the County.

Department:

GSA
Public Works
Team Metro
Human Services
Solid Waste

Allocation:

\$ 38,940.00
\$ 11,693.08
\$ 49,922.40
\$ 71,389.42
\$ 22,594.44
\$194,539.34

Term of Contract: One year (April 1, 2005 through March 31, 2006)

Option(s)-to-Renew: One 6-month, option-to-renew

Local Preference: Applied in accordance with the applicable Ordinance.

UAP: The contract includes the 2% User Access Fee.

Living Wage: The services to be provided are covered under the Ordinance. The Living Wage is included in the specifications.

Vendor(s): Century Cleaning Corporation for **Group 4**
Fine Touch Mobile Detailing for **Group 7**
Grace Cleaning Services, Inc. for **Group 2**
National Cleaning Contractors for **Group 1**
Tri County Lumping Service for **Group 3 and 6**

Estimated Contract Usage: \$194,539.34

Justification: Seeking ratification of an emergency award issued on April 1, 2005 to provide continuity of janitorial services for various sites administered by Public Works, GSA, Team Metro, Human Services and Solid Waste.

This short-term emergency replacement contract will cover the gap between the expiration of the existing janitorial services contract and the long term replacement contract for these services.

The Goods and Services Committee recommended that this emergency replacement contract be issued for a twelve month period with a 6-month option-to-renew pending the implementation of a Small Business Enterprise (SBE) program approved by the Board at its meeting February 1, 2005.

As reported to you previously, the Goods and Services Committee was created to review existing contracts affected by the federal court ruling by Judge Adalberto Jordan with the purpose of making recommendations regarding projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. This recommendation is consistent with the action taken by the Goods and Services Committee members.

Thirteen vendors submitted proposals. Five were found to be non-responsive for failing to bid a price for **Group 2** that reflected Living Wage. They were Elite Service Group, Inc., Fine Touch Mobile Detailing, Inc., National Cleaning Contractors USA, Inc., RD Window & Carpet Cleaning, Inc. and Tri-County Lumping Service, Inc. The low bidder for **Group 4**, Elite Service Group, Inc. has indicated that it is electing to discontinue its janitorial business. **Group 4**, therefore, is being awarded to the second low bidder, Century Cleaning Corporation. **Group 5** is to be re-solicited as an open competitive solicitation. The recommended vendors are the low responsive, responsible bidder.

As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to pay for all or some part of the cost of this contract for Public Works only.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

4.6

BID NUMBER:

EM6536-1/06

Title: Shoes and Boots

Description: To establish an emergency temporary bridge contract to purchase various styles of uniform shoes and boots.

<u>Department:</u>	<u>Allocation:</u>
Aviation	\$ 18,000.00
Corrections & Rehab.	\$ 98,500.00
DERM	\$ 5,300.00
Finance	\$ 1,600.00
Fire	\$ 11,750.00
Judicial Admin.	\$ 2,750.00
MDPD	\$110,500.00
Park & Recreation	\$ 4,000.00
Public Works	\$ 6,750.00
Seaport	\$ 15,000.00
Solid Waste Mgmt.	\$ 2,500.00
	<u>\$276,650.00</u>

Term of Contract: Six months (March 1, 2005 through August 31, 2005)

Option(s)-to-Renew: One 6-month, option-to-renew

Local Preference: Applied in accordance with the applicable Ordinance.

UAP: The contract includes the 2% User Access Fee.

Living Wage: Not applicable, no services are contemplated.

Vendor(s): Florida Police Products, Inc.; International Export Uniforms, Inc.; Lehigh Safety Shoe Co. LLC; Lou's Police & Security Equipment, Inc.

Estimated Contract Usage: \$276,650.00

Justification: Seeking ratification of an emergency award issued on March 1, 2005 to provide uniform shoes and boots to various County departments.

As reported to you previously, the Goods and Services Committee was created to review existing contracts affected by the federal court ruling by Judge Adalberto Jordan with the purpose of making recommendations regarding projects that are determined to be critical due to public health/safety,

financial/regulatory, continuity of essential operations and/or Commission priorities. This recommendation is consistent with the action taken by the Goods and Services Committee members.

Two hundred and forty-one vendors received solicitation/announcements. Five bids were received. The recommended vendors are the low responsive, responsible bidders.

As a result of the recent federal court ruling issued by Judge Adalberto Jordan on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to pay for all or some part of the cost of this contract for Public Works only.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

4.7

BID NUMBER:

E7847-0/05

Title: Tires and Tubes

Description: To establish an emergency temporary bridge to purchase several types and sizes of tires and tubes.

Department:

Allocation:

Aviation	\$ 66,000.00
Fire	\$ 60,000.00
GSA	\$495,000.00
MDT	\$ 10,000.00
Park & Recreation	\$ 45,000.00
Public Works	\$ 400.00
Seaport	\$ 2,000.00
Vizcaya Museum & Gardens	\$ 500.00
WASD	<u>\$215,000.00</u>
	\$893,900.00

Term of Contract: Three months (March 1, 2005 through May 30, 2005)

Local Preference: Will apply to individual solicitations issued by the user departments in accordance with the applicable Ordinance.

UAP: The contract includes the 2% User Access Fee.

Living Wage: Not applicable, no services are contemplated.

Vendor(s): Airport Tire Company, Inc.; Central Tire Corp.; Earl W. Colvard, Inc. d/b/a Boulevard Tire Center; KM Pedersen Enterprises, Inc. d/b/a Homestead Tire & Auto Service Center; Liberty Tire & Rubber, Inc.; Martino Tire Company; Miami Tiresoles, Inc.; Wingfoot Commercial Tire Systems LLC d/b/a Wingfoot Commercial Tire & Service Centers

Estimated Contract Usage: \$893,900.00

Justification: Seeking ratification of an emergency award issued on March 1, 2005 to provide continuity of tires and tubes for various County departments.

This emergency contract will cover the gap between the expiration of the existing State of Florida contract and the Board's approval to access the renewed contract for tires

and tubes.

The County received approval from the Board to access the State of Florida tire and tube contract which expired on February 28, 2005. The State of Florida did not release the renewal of the tires and tubes contract until March 1, 2005. This did not allow sufficient time for approval to access the State of Florida contract by March 1st since May 3, 2005 was the first available agenda item for Board consideration of the renewal term. This emergency contract was necessary to continue to purchase tires and tubes until the State released its renewal, and the Board approved its access. The item requesting approval to access the State of Florida contract is listed as Sub-item 4.1 of the Bid Award Recommendation agenda package of this date.

The recommended eight vendors have agreed to hold the same prices, terms and conditions under the State of Florida contract.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to pay for all or some part of the cost of this contract for Miami-Dade Transit and Public Works only.

SECTION # 5
NON COMPETITIVE CONTRACT MODIFICATIONS

None

SECTION # 6
CONFIRMATION PURCHASES

None



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 8(O)(1)(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)(B)
05-03-05

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE
PURCHASE OF CERTAIN GOODS AND SERVICES AND
AUTHORIZING THE COUNTY MANAGER TO AWARD SAME
WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW
ESTABLISHED THEREUNDER

WHEREAS, the County Manager recommends to this Board to waive formal bid procedures for the purchase of specific goods and services which cannot be purchased under normal bid procedures ,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interests of Miami-Dade County to waive formal bid procedures for the purchase of specific goods and services and to authorize the County Manager to award such contracts with authority to exercise options-to-renew established thereunder pursuant to Section 4.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3s) vote of the Board members present.

The foregoing resolution was offered by Commissioner _____ ,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman


Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorrian D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2005. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04 with the exception of items 4.1, 4.2, 4.3, 4.5, 4.6 and 4.7 which are subject to the provisions of subsection (e) of section 29-124 of the County Code which specifies "no award shall be effective and no contractual relationship shall arise with the county unless and until approved by the [Citizen's Independent Transportation] Trust or re-affirmed by the County Commission".

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by the County Attorney as
to form and legal sufficiency. 

Hugo Benitez

By: _____
Deputy Clerk